



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,718	10/22/2003	Andrew Tatta	Tatta-3	6848

32132 7590 04/05/2006

LAMORTE & ASSOCIATES P.C.  
P.O. BOX 434  
YARDLEY, PA 19067

EXAMINER

CHAN, KO HUNG

ART UNIT PAPER NUMBER

3632

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/691,718	<b>Applicant(s)</b> TATTA, ANDREW	
	<b>Examiner</b> Korie H. Chan	<b>Art Unit</b> 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9 and 11-15 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

After further consideration, the Election/Restriction requirement is hereby withdrawn. All pending claims are examined on its merits as indicated below.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 112***

Claims 11 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 11 and 12 depend from cancelled claim 10.

### ***Claim Rejections - 35 USC § 103***

Claims 1, 3, 8, 9, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman (US patent no. 6,127,938) in view of Prior Art as disclosed by Kassab (6,258,200). Friedman discloses a mounting device (14) for mounting an electronic toll having a flexible substrate (14, figure 5) mounted to windshield and hook-and-loop fastener means for attaching the electronic toll wherein the substrate inherently diminishes the visibility of the electronic toll pass through the windshield. However, Friedman does not specifically disclose that the substrate (14) is mounted via adhesive to the windshield but it is well-known in the art that substrate is mounted via adhesive. Friedman does not show a display image on the substrate. To provide a display image on substrate such the image display is directly attached to the windshield are old and well-known. Kassab teaches that in prior art device of providing

Art Unit: 3632

a flexible substrate having adhesive layer (18, figure 2) over a printed display image (indicia) to be mounted onto a windshield for displaying various information (col. 1, lines 26-30). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have provided display image to the substrate of Friedman such that information can be displayed through the windshield and to adhesively attach the substrate as taught by the Prior Art disclosed by Kassab. Applicant's method steps would have been obvious given the device of Friedman and Kassab combined.

Claims 2, 6, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman (US patent no. 6,127,938) in view of Prior Art as disclosed by Kassab (6,258,200) as applied to claims 1 and 9 above, and further in view of Konsti et al (US patent no. 5,688,579). Friedman and Kassab combined disclosed all the claimed features of applicant's invention except for the material of the substrate as being opaque and of paperboard material. Konsti et al teaches that it is old and well-known to make a mounting composite or substrate (72) of opaque material such as paperboard having adhesive on rear surface (74) and hook fastener (82) on the other side. It would have been obvious to one of ordinary skilled in the art to have make the substrate of Friedman and Kassab combined such that it is of opaque and of paperboard material as taught by Konsti as such material for mounting substrates are old and well-known.

Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman (US patent no. 6,127,938) in view of Prior Art as disclosed by Kassab (6,258,200) and Konsti et al (US patent no. 5,688,579) as applied to claims 1, 6, 9, and 11 above, and further in view of Burnette (US patent no. 4,848,542). Friedman and

Art Unit: 3632

Kassab, and Konsti et al combined disclosed all the claimed features of applicant's invention except for the face surface is laminated. Burnette teaches a mounting device (Fig. 2A) including a display image (at 22 generally) printed, adhered, or laminated to its surface (col. 4, lines 25-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have laminated the display image to the substrate of Friedman and Kassab and Konsti combined as an alternative to printing as taught by Burnette.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman (US patent no. 6,127,938) in view of Prior Art as disclosed by Kassab (6,258,200) as applied to claim 1 above, and further in view of Burnette (US patent no. 4,848,542).

Friedman and Kassab combined disclosed all the claimed features of applicant's invention except for the image is adhere to the face surface. Burnette teaches a mounting device (Fig. 2A) including a display image (at 22 generally) printed, adhered, or laminated to its surface (col. 4, lines 25-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have adhered the display image to the substrate of Friedman and Kassab combined as an alternative to printing as taught by Burnette.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman (US patent no. 6,127,938) in view of Prior Art as disclosed by Kassab (6,258,200) as applied to claim 9 above, and further in view of Domenig (US patent no. 5,152,593). Friedman and Kassab combined disclosed all the claimed features of applicant's invention except for the adhesive as being double sided adhesive. Domenig

Art Unit: 3632

teaches a substrate (44) with hook fastener at one end (26) mounted to a wall surface via double adhesive tape (col. 4, lines 23-26). It would have been obvious to one of ordinary skill in the art to have used a double adhesive tape type of adhesive for mounting the substrate of Friedman and Prior Art of Kassab combined onto the windshield as such adhesive means are old and well-known as taught by Domenig.

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

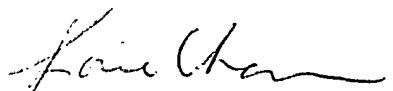
Art Unit: 3632

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Korie H. Chan  
Primary Examiner  
Art Unit 3632

khc  
March 31, 2006